

REMARKS

Claims 1 and 11 are amended to recite that R^1 in formula (I) is a branched alkyl including a main chain having at least 5 carbon atoms and three or more side chains having a total of at least 3 carbon atoms in all side chains. Amended claim 1 corresponds to claim 1 as presented in the Amendment filed October 11, 2006. New claims 13-19 correspond to claims 2-8 as presented in the Amendment filed October 11, 2006. No new matter is presented. Accordingly, upon entry of the Amendment, claims 1 and 9-19 will be all of the claims pending in the application.

Claims 1 and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oharu et al (U.S. Patent No. 6,610,775).

At page 9, the Examiner states that the §103 rejection based on Oharu et al is reinstated because the data provided in the specification fails to show criticality of the claimed formula (I) where R^1 is an isotridecyl group having 3, 4 or 6 branches.

In response, the claims are amended as discussed above and Applicants submit a Declaration under 37 C.F.R. § 1.132 which shows that the present invention provides unexpectedly superior results when compared with the closest prior art embodiment.

Specifically, the Declaration shows that polyoxypropylene polyoxyethylene isotridecyl ether gives better mechanical stability and chemical stability than polyoxypropylene polyoxyethylene isopentadecyl ether which is disclosed at column 10, lines 5-6, of Oharu et al. Poxoxypropylene polyoxyethylene isotridecyl ether is included in the scope of the nonionic surfactant of formula (I) recited in amended claim 1, but polyoxypropylene polyoxyethylene isopentadecyl ether (having one side chain) disclosed by Oharu et al is outside of the scope of the nonionic surfactant of formula (I). Thus, the Declaration shows that the present invention where

R¹ is has three or more side chains provides unexpectedly superior effects which are not obtained when R¹ has two or fewer side chains.

Oharu et al does not describe a branched alkyl group of Formula (I) of amended claims 1 and 11 having three or more side chains. Moreover, there is nothing in the cited prior art which suggests the desirability of modifying the compounds of Oharu et al to have the specifically claimed structure. Moreover, Oharu et al does not recognize the advantageous effects of the present invention. Accordingly, the present claims are patentable over the cited prior art, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

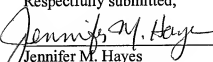
WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 12, 2008

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641